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PATENT
2907-104P
L. Ellis

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NIEBOER et al. Conf: 1872
Appl. No.: 09/695,828 Group: 3625
Filed: October 26, 2000 Examiner: THOMPSON JR, F.
For: AUTOMATED SYSTEM FOR CONDITIONAL
ORDER TRANSACTIONS IN SECURITIES OR
OTHER ITEMS IN COMMERCE

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Due Date
August 9, 2003

Sir:

5TH Market, Inc., (hereinafter "the Assignee")

- ☒ residing at 217 Lynwood Terrace, Nashville, TN 37205,
- ☒ a corporation of Tennessee having a principal place of business at 104
Woodmont Blvd., Suite 200; Nashville, TN 37206,
- ☐ a university having an address of

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represents that it is the true owner of the entire interest of U.S. patent Application No.
09/695,828, filed on October 26, 2000, for "AUTOMATED SYSTEM FOR
CONDITIONAL ORDER TRANSACTIONS IN SECURITIES OR OTHER ITEMS IN
COMMERCE,"(hereinafter "above-identified application") by virtue of and as evidenced
by an Assignment recorded at the United States Patent and Trademark Office at Reel
011268, Frame(s) 0083.

Appl. No. 09/695,828

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,418,419, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,418,419 shall be the same as the legal title to any patent issuing from the above-identified application, this agreement to run with any patent granted on the above-identified application, and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,418,419 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignee by the undersigned, an attorney of record in the above-identified application.

Appl. No. 09/695,828

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.20
to Deposit Account No. 02-2448.

Respectfully submitted,

July 12,
Date: August 9, 2003

By Anthony L. Birch
Anthony L. Birch, #26,122

ALB:bb
2907-104P

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